

Members' Representations.

ಶ್ರೀ ವೈ. ಎಂ. ಚಂದ್ರಶೇಖರಯ್ಯ (ಕಡೂರು).— ಸ್ವಾಮಿ, ನಾನು ಹತ್ತು ಪ್ರಶ್ನೆಗಳನ್ನು ಕಳುಹಿಸಿದ್ದೆ. ಅದರಲ್ಲಿ ಒಂದಕ್ಕೆ ಕೂಡ ಇನ್ನೂ ಉತ್ತರ ನನಗೆ ಬಂದಿಲ್ಲ. ಅಧಿಕಾರಿಗಳಿಗೇನು ಕಷ್ಟವಿದೆಯೋ ಗೊತ್ತಿಲ್ಲ. ಇವತ್ತಿಗಾಗಲೇ ಹತ್ತು ದಿವಸಗಳು ಕಳೆದುಹೋದವು, ಇನ್ನೆರಡು ದಿವಸ ಮಾತ್ರ ಉಳಿದಿದೆ. ಜಾಗೃತ ಉತ್ತರಗಳು ಬರುವಂತೆ ಏರ್ಪಾಡು ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

Mr. SPEAKER.—I have received a similar complaint from some of the Hon'ble Members. I will examine it. It is a very pertinent point no doubt.

ಶ್ರೀ ಎ. ಆರ್. ನಾಯ್ಡು (ಮರೇಶ್ವರಂ).— ಸ್ವಾಮಿ, ನಿನ್ನೆಯ ದಿವಸವೇ ನಾನು ಅಧ್ಯಕ್ಷರ ಗಮನಕ್ಕೆ ಹಾಗೂ ಈ ಸಭಾ ಸದಸ್ಯರ ಗಮನಕ್ಕೆ ಒಂದು ಬಹು ಮುಖ್ಯವಾದ ವಿಷಯವನ್ನು ತಂದಿದ್ದೆ. ಈ ಮಾನ್ಯ ಸಭೆಯ ಡೆಪ್ಯುಟಿ ಸ್ಪೀಕರರವರು ಆಗ ಈ ಸಭೆಯನ್ನಲಂಕರಿಸಿದ್ದರು. ಈ ದಿವಸದ ಪತ್ರಿಕೆಯಲ್ಲಿ ಕೂಡ 'Over a Cup of Tea' ಎಂಬ ಭಾಗದಲ್ಲಿ ಇದೇ ವಿಷಯವನ್ನು ಪ್ರಸ್ತಾಪ ಮಾಡಿದ್ದಾರೆ. ಅದೇನೆಂದರೆ, ನಮ್ಮ ಸಭಾ ನಾಯಕರಾದ ಶ್ರೀಮಾನ್ ಹನುಮಂತಯ್ಯನವರು ಯಾವ ರೀತಿಯ ಉಡುಪು ಧರಿಸುತ್ತಾರೋ ಅದೇ ರೀತಿಯ ಉಡುಪನ್ನು ನಮ್ಮ ಮಿತ್ರರಾದ ಶ್ರೀ ಗೋವಿಂದರಾಜು ಅವರೂ ಧರಿಸುತ್ತಿದ್ದಾರೆ. ಈ ಸಭೆಯ ಹೊರಗಡೆ ಅವರು ಹೋಗುತ್ತಿರುವಾಗ ಅನೇಕ ವೇಳೆ ಅಧಿಕಾರ ವರ್ಗದವರೂ ಮತ್ತು ಇತರ ಸಾಮಾನ್ಯ ಜನರೂ ಅವರನ್ನು ನೋಡಿ ಚೀಘ್ ಮಿನಿಸ್ಟ್ ರೆಂದು ಭಾವಿಸಿ ಗಾಬರಿಗೊಂಡು ಹಳ್ಳಕ್ಕೆ ಬಿದ್ದಿರುವ ನನ್ನ ವೇತಗಳೂ ಉಂಟು. ಆದ್ದರಿಂದ ಇವರಿಗಲ ಅಥವಾ ಹನುಮಂತಯ್ಯನವರಿಗಲ ಯಾರಾದ ರೊಬ್ಬರು ತಮ್ಮ ಬಟ್ಟೆಯನ್ನು ಬದಲಾಯಿಸಿಕೊಳ್ಳುವಂತೆ ಮಾಡಬೇಕಾಗಿದೆ. ಈ ಮುಖ್ಯವಾದ ಪ್ರಶ್ನೆಯ ವಿಚಾರದಲ್ಲಿ ನಾನು ತಮ್ಮ ರೂಲಿಂಗ್ ಆಗಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಹಕ್ಕದಲ್ಲೇ ಇದ್ದಾರಲ್ಲ, ನೀವೇ ಹೇಳಬಿಡಬಹುದು.

Papers laid on the Table.

Sri T. CHANNIAH.—As promised by the Hon'ble Minister for Education on the 12th October 1955 in reply to a supplementary on question No. 91, I beg to lay on the Table of the House, the Report of the Committee constituted for considering the re-distribution of territorial and pecuniary jurisdiction of Courts in the State.

Copies of the Report have already been distributed to the Members.

MYSORE TRAFFIC CONTROL BILL, 1955.

Consideration of Clauses (contd.)

Mr. SPEAKER.—Now we shall continue discussion on the Mysore Traffic Control Bill. Have Hon'ble Member Sri Srinivasa Iyengar and the Hon'ble Minister come to any agreement?

*Sri S. SRINIVASA IYENGAR (T. Narasipur).—Yesterday it was suggested that the amendment that I had moved be recast and that the Government would consider the acceptance of that amendment. Now the amendment that I am going to place before this House, has, I believe, the approval of the Hon'ble Minister. If the Hon'ble Minister agrees, I will move that amendment.

Mr. SPEAKER.—Is the Hon'ble Minister in possession of a copy of this amendment?

Sri H. SIDDAVEERAPPA (Minister for Home).—Yes. A copy of it has been furnished to me. Let him move the amendment.

Sri S. SRINIVASA IYENGAR.—I will move the amendment.

"For clause 4, the following clause shall be substituted, namely:—

"4. *Publication of rules.*—(1) Rules made under section 3 shall be published in the *Mysore Gazette*, and shall, unless some later date is appointed, come into force on the date of such publication.

"(2) All rules published under sub-section (1) shall be laid for not less than fourteen days before both Houses of the State Legislature as soon as possible after they are published, and shall be subject to such modifications as both Houses of the State Legislature may make."

Mr. SPEAKER.—Amendment moved:

"For clause 4, the following clause shall be substituted, namely:—

"4. *Publication of rules.*—(1) Rules made under section 3 shall be published in the *Mysore Gazette*, and shall, unless some later date is appointed, come into force on the date of such publication.

"(2) All rules published under sub-section (1) shall be laid for not less than fourteen days before both Houses of the State Legislature as soon as possible after they are published, and shall be subject to such modifications as both Houses of the State Legislature may make."

Sri H. SIDDAVEERAPPA.—I have examined this amendment. I have no objection to accept it.

Mr. SPEAKER.—The question is:

"For Clause 4, the following clause shall be substituted, namely:—

"4. *Publication of rules:*—(1) Rules made under section 3 shall be published in the *Mysore Gazette*, and shall, unless some later date is appointed, come into force on the date of such publication.

"(2) All rules published under sub-section (1) shall be laid for not less than fourteen days before both Houses of the State Legislature as soon as possible after they are published, and shall be subject to such modifications as both Houses of the State Legislature may make."

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. SPEAKER.—Clauses 5 to 9, both inclusive. The question is:

"That Clauses 5 to 9, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 5 to 9, both inclusive, were added to the Bill.

Mr. SPEAKER.—The Schedule. The question is:

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

Mr. SPEAKER.—Clause 1. The question is:

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill."

Motion to pass.

Sri H. SIDDAVEERAPPA.—Sir, I beg to move:

"That the Mysore Traffic Control Bill, 1955, as amended, be passed."

Mr. SPEAKER.—Motion moved:

"That the Mysore Traffic Control Bill, 1955, as amended, be passed."

Sri S. SRINIVASA IYENGAR.—I oppose that. Now two stages of the Bill have passed and we are now in the third stage. I will read clause 3 of the Bill.—

"Power of State Government to make rules for the control of traffic.—The State Government may, after previous publication, make rules to provide—

"(a) for the regulation of the use of any public place and the closing thereof or parts thereof; and

"(b) for the regulation of all kinds of traffic in any public place or its reservation for particular kinds of traffic."

(SRI S. SRINIVASA IYENGAR.)

In the Statement of Objects and Reasons, the Government have stated:

"It is considered desirable, in order to minimise the possibility of accidents to have consolidated and uniform provisions in regard to control of traffic all over the State, and also to provide for cases where powers are not already vested in any authority for restricting the use of public places in the interest of public safety. The proposed law is intended to achieve this object."

If things are read, it will be very clear that the Government is not only intending to control traffic in public places but also desiring to have some power to regulate the use of a public place. The Bill before us is a Bill to provide for the control of traffic in public places in the State of Mysore. If the Government is anxious to control the traffic in a public place, clause (b) of section 3 which the Chair is pleased to see is enough. Clause (b) of section 3 reads as follows:

"for the regulation of all kinds of traffic in any public place or its reservation for particular kinds of traffic."

This provision is quite sufficient for the Government to lay down rules for the regulation of traffic in public places. Clause (a) of section 3 is for the purpose of regulating the use of any public place. In this Bill clause (a) cannot be introduced and it does not fit in, and therefore, even at this stage I request the Government to move an amendment. This is to delete clause (a) of section 3.

*Sri Mulka GOVINDA REDDY (Chitaldrug).—Mr. Speaker, Sir, I have already adduced certain reasons why we should not allow some of the clauses in this Bill to get passed without some amendment being moved. There is another clause that is, Penalty clause. If we accept it, it will work as a great hardship on the people.

"Penalty for breach of rules.—In making any rule under section 3, the State Government may

provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and, in case of a continuing breach, with fine which may extend to twenty-five rupees for every day during which the breach continues after conviction for the first breach."

Here is a penalty clause which imposes a very heavy penalty on those who commit breach of these rules. It is the duty of the Government to educate its citizens in their rights and in their duties and obligations. If the Government educate the citizens in that line, I do not think there will be any breach of such rules which are generally made in the interests of the public concerned.

[MR. DEPUTY SPEAKER in the Chair]

The Government have failed to educate the citizens in the rights and duties and now they come forward with this penalty clause which will impose a great hardship on the public. Under the same rules the Government should have made some provision whereby it will be obligatory on the part of the Government to educate the citizens as to how and why they should keep up to these rules and no breach of rules should be observed by the citizens of the State. The Government have failed to do that and on the other hand, for their failure they want to impose these high penalties for breach of rules. I therefore oppose this Bill and state that this Bill is not worth consideration by this House.

Sri H. SIDDAVEERAPPA.—Sir, answering to the objection raised by Hon'ble Member Sri Srinivasa Iyengar whom I thought I fully convinced yesterday, I have to repeat the same arguments which I did yesterday by stating that clause (a) is also for the purposes of regulating traffic. It is a step in aid for purposes of regulating traffic. We want this regulation to regulate the use of any public place and the closing thereof or parts thereof. We are not interested in anything else except having that regulation for the purpose of controlling traffic. I think that with the assurance which I gave yesterday, my Hon'ble friend should

withdraw his objection to this Bill, namely, that the Government have no other ulterior motive or intention except making an adequate provision for the purpose already stated.

Sri S. SRINIVASA IYENGAR.—On a point of clarification. The Chair will be pleased to go through clause (a) of section 3 of the Bill. In the course of reply, the Hon'ble Minister no doubt states that he gives the assurance that this provision will only be used for the purpose of regulating traffic. But the provision as it stands gives, some other meaning. While he replies, he says that it is for the purpose of regulating traffic in a public place, but the wording says that the Government will frame rules to regulate the use of a public place. If the intention of the Government is to regulate the traffic in a public place, clause (b) of Section 3 is quite sufficient. I have not been fully convinced why the Government should insist on retaining clause (a) of section 3. When they can easily regulate traffic in a public place or thoroughfare or anywhere according to the provision in clause (b) of section 3, I have not still been able to understand why the Government want us to vest them with a power to regulate the use of a public place. In no sense can we say that the use is for the purpose of traffic. That wording is quite clear; it means that the Government want some additional power to control the use of a public place also. Therefore even now at this late stage the Government may bring an amendment to delete that.

Sri H. SIDDAVEERAPPA.—I am sorry I have not been able to convince the Hon'ble Member. I have already said it. I do not think it necessary for me to repeat that again.

Sri P. R. RAMAIA (Basavan-gudi).—In Bangalore City you have got several parks controlled by the City Corporation, such as Sri M. N. Krishna Rao Park, Chicklabbagh, etc. Is it the idea of the Government to take over the management of these parks and regulate the use of these places?

Sri H. SIDDAVEERAPPA.—Government are not interested in the regu-

lation of any property except for purposes of regulating traffic in that area. I know even with regard to these parks there are certain bye-laws framed by the Corporation. I would invite the Hon'ble Member's attention to clause 7 wherein we have said that all bye-laws in force shall continue to be valid, but any such bye-law may be cancelled or altered by a rule made under section 3. Until then they continue to be valid.

1-30 P.M.

Therefore, even for this regulation of any public place as I have already said, it is only for the purpose of effectively carrying out what is contained in sub-clause (b); nothing more, nothing less; and without that we cannot effectively do it. With regard to the other point raised by Sri Mulka Govinda Reddy, he says penalty clause is very heavy. After all, within his experience as a lawyer and within my experience, no court will award any maximum penalty. If the upward limit is Rs. 100, nothing prevents the courts to award Rs. 5 or Rs. 10. It is only the maximum or ceiling beyond which the Court cannot go. Therefore any law will be humanely administered by ordinary human beings. He will look into the gravity of the offence. The presiding court will find out whether any particular offence requires any severe punishment or light punishment. In the light of that, punishment will be awarded.

Sri Mulka GOVINDA REDDY.—There are instances where certain magistrates have imposed the maximum punishment that a magistrate can impose on the offender. So, if you fix up the maximum limit to such a high level, it is really going to work hard on such people.

Sri H. SIDDAVEERAPPA.—Normally it won't happen. I know cases where the maximum penalty for offences committed was Rs 5. Magistrates have awarded 4 annas and 8 annas fines. Suppose a magistrate has given a maximum punishment, the party has a remedy, a justiciable remedy. If the punishment given is not proportionate to the offence committed, he

(SRI H. SIDDAVEERAPPA.)
can challenge it. So, the maximum punishment is quite in consonance with the requirements of the law. I therefore request my Hon'ble friends on the opposite side to give their consent to this Bill.

MR. DEPUTY SPEAKER.—Sri Srinivasa Iyengar's apprehension is with regard to the use of any public place.

SRI H. SIDDAVEERAPPA.—As I have already said, this regulation is brought forward with a view to have effective control of traffic. For instance, if in a particular area, traffic is to be controlled for a particular time, for a temporary or a short period, certain road will have to be closed for normal traffic. Then we have to say from such and such a minute up to such and such a minute the traffic will be closed. We want to have that regulation for effective control over traffic under sub-clause (b).

MR. DEPUTY SPEAKER.—The question is:

“That the Mysore Traffic Control Bill, 1955, as amended, be passed.”

The motion was adopted.

THE MYSORE LABOUR HOUSING (AMENDMENT) BILL, 1955.

Motion to consider.

SRI H. SIDDAVEERAPPA (Minister for Home).—I beg to move:

“That the Mysore Labour Housing (Amendment) Bill, 1955, as passed by the Legislative Council, be taken into consideration.”

Sir, if the Hon'ble Members were to peruse the clauses of this Bill with reference to the statement of objects and reasons, it will be found that it is an Amending Bill for purposes of effecting an important amendment, namely, omission of Section 3 of Mysore Act 28 of 1949. Section 3 of the Labour Housing Act, 1949 reads as follows:—

“There shall be levied and collected from every employer a contribution at a rate not exceeding four per cent on the monthly wage bill of the concern in respect of every employee whose income does not exceed on an average one hundred and twenty-five rupees a month who is not provided by such employer with housing accommodation of such standard as may be prescribed by the Government:

Provided, however, it shall be open for any employer to pay this contribution or any part thereof either in a lumpsum payment equivalent to one-third the cost of the house or in agreed instalments.”

According to this clause, it was obligatory on the part of the employer to make a compulsory contribution for purposes of providing labour housing. Now, the Central Act under which these loans are provided for the State does not admit of any contribution. The money is entirely paid by the Centre and Houses have been constructed through the agency of the States. In no State do we find this contribution clause. It is the view of the Centre that the Industry should not be saddled with this extra commitment since they themselves are prepared to make the entire amount available for the State whatever the requirements may be. This clause providing for contribution will therefore have to be omitted. They feel that this clause is not in the interests of Industry as a whole. We have been so advised. There is no financial commitment so far as the State is concerned as the entire amount for providing labour housing including industrial labour is provided by the Centre. In order to fall in conformity with similar legislation in other parts of India and in other States, this Amending Bill has been brought forward as advised by the Centre. The other clauses, namely 4, 5, 6, 7 and 8 are all merely consequential arising out of the main clause 3. So, they are all consequential amendments. I therefore